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Legal documents recently discovered by the AFSM at Maḥram Bilqīs, near Mārib, Yemen

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Summary

Among more than 400 Sabaean inscriptions that have been discovered by the American Foundation for the Study of Man in recent excavations at Maḥram Bilqīs is a small category of texts, which we can describe as legal documents. This paper gives a brief report of these legal documents and draws attention to the significance of them for understanding Sabaean society. In addition, this paper presents a new Sabaean penal law that provides new information about legislation in Sabaʾ. At the same time it is a full-scale penal law dealing with theft, robbery, justice, property, trade, transactions, transgressions against the law, and the fulfilment of religious duties to the god Almaqah. The punishments mentioned in this law are primarily monetary penalties and the replacement of stolen property.

Keywords: South Arabia, Sabaic, law, Semitic inscriptions, Yemen

Introduction

Recently more than 400 inscriptions have been discovered during the current excavations of the American Foundation for the Study of Man (AFSM) at Maḥram Bilqīs. Among them are more than 300 new inscriptions, as well as others which were found by the AFSM in the 1950s and have now been rediscovered in the excavations that have been constantly carried out since 1998 (Maraqten 2002; 2004; Abdallah, in press). A majority of the newly discovered texts are dedicatory, and these increase our knowledge of the political, social, and religious history of ancient South Arabia, as well as of the Sabaic language. In addition, there are inscriptions that mention kings, buildings, women, as well as religious and literary inscriptions, etc.[1] A significant group of inscriptions is made up of legal documents, several of which have been discovered in the recent AFSM excavations. These inscriptions were mainly found in Area A, engraved on both sides of the passageway that leads to the north-west corner of the Peristyle Hall (Fig. 1), or in the pavement of the Peristyle Hall where they had been reused (Fig. 2).

Among the thousands of known Sabaean inscriptions, attention has been drawn to the relatively small group of legal texts (Müller 1983: 268–282; al-Naʿīm 2000: 410–644; Nebes 2003: 295–311). Only about 170 Sabaean inscriptions can be considered to be legal texts or texts that deal with legal issues.[2] Until the recent excavations of the AFSM, only about twenty-five legal inscriptions were known from Maḥram Bilqīs. Among the 300 new inscriptions discovered in the recent AFSM excavations there are *c.* twenty inscriptions, which can be described as legal documents. These can be divided as follows:

I. Prescriptions and decrees

This group provides information about the regulations for visiting the temple. We have several examples:

— A decree for the protection of visitors or pilgrims to the temple gives us information about a road between the old city of Mārib and the Awām sanctuary (MB 2002 I-20; Maraqten 2004: 157–163).

— Another two-line Middle Sabaic rule states that visitors are not allowed to stay in specific places in the temple (MB 1998 I-10).

— Prescriptions against letting animals enter the sacred precinct of the Awām-temple. If an animal were to get inside the temple, the owner of the beast was to pay a penalty to the king (MB 2000 I-7).

II. Laws

Penal laws: Two important penal laws have been discovered.[3]

— The first one is against homicide (MB 2002 I-5). This royal code prohibits the killing of clients. It states

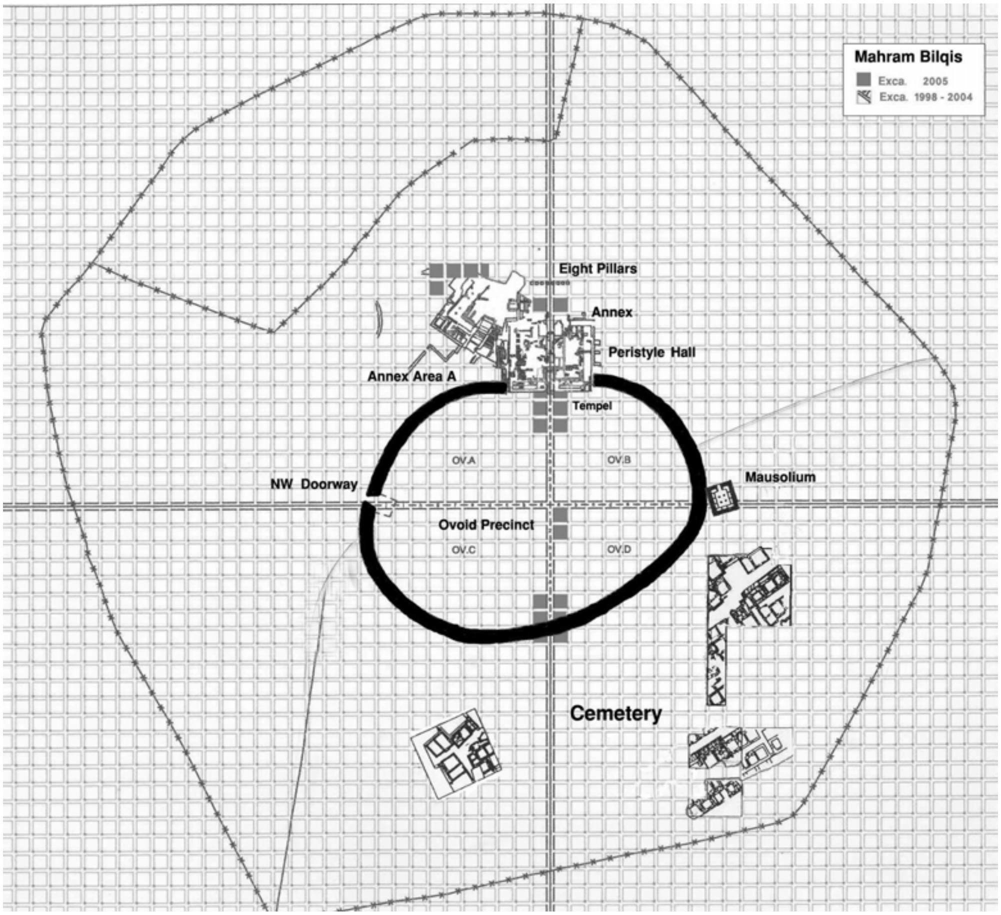


FIGURE 1. *Top plan of the Maḥram Bilqīs.*

that the person who commits the killing should be punished with death in the same manner. This inscription has been prepared for publication by Yusuf Abdallah (in press).

— The second is a thirty-nine-line inscription setting out a penal law (MB 2002 I-28), and this will be the main topic of this paper.

III. Expiation and confession inscriptions

We have four new dedicatory inscriptions, which mention individual public confession to Almaqah and penance by men and women.[4]

IV. Lawsuits

We have several inscriptions of a legislative character and some that were dedicated in gratitude for success in lawsuits (e.g. MB 2005 I-35).[5]

V. Organization of the temple and sacrifice

There is a legal document regulating the cultivated land of Almaqah (MB 2002 I-6). We also have inscriptions dealing with the organization of sacrifice at Maḥram Bilqīs (MB 2000 I-110).

The following inscription is a good example of the recently discovered legal documents from Maḥram Bilqīs.

A royal penal law from Maḥram Bilqīs

This inscription (MB 2002 I-28, Figs 3–5) represents a royal penal law from the time of the king Nashaʾkarib Yu(ha)ʾmin Yuharḥib II, King of Sabaʾ and Dhū-Raydān, son of ʾIlsharaḥ Yaḥḍub and his brother Yaʾzul Bayn, who reigned *c.* AD 260–275 (Kitchen 1994: 216f.). The text consists of three major parts. The first (lines 1–10) is a prologue describing the legislation,



FIGURE 2. *View of the Peristyle Hall (photograph by Yusuf Zoubi).*



FIGURE 3. *Area A: passageway leading to the Peristyle Hall, with legal documents on both sides. The location of MB 2002 I-28 is indicated by an arrow (photograph by Yusuf Zoubi).*

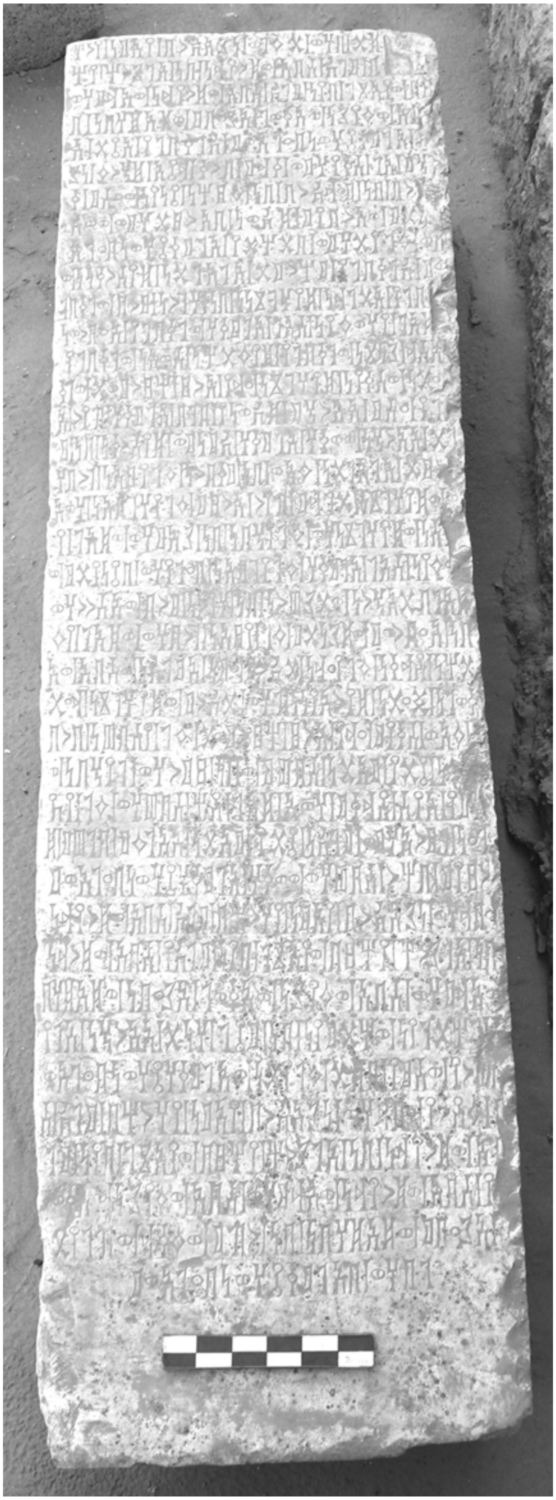


FIGURE 4. *Sabaean penal law MB 2002 I-28 (photograph by Yusuf Zoubi).*

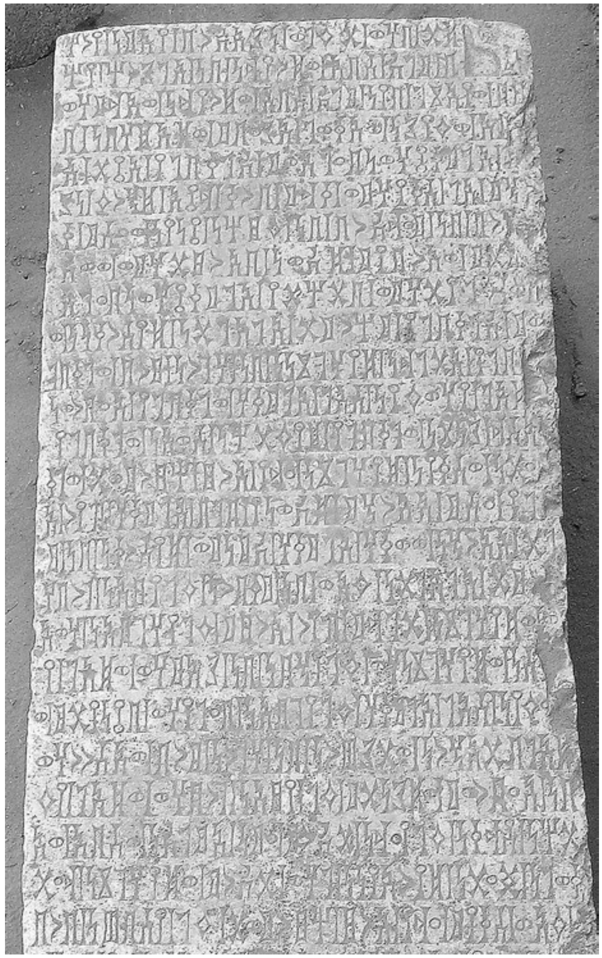


FIGURE 5. *Details of the upper part of the inscription MB 2002 I-28 (photograph by Yusuf Zoubi).*

using a standard formula common to other legal texts. The second (lines 10–29) is the law itself, and the third (lines 29–39) is an epilogue containing a warning against the crimes. The text ends with conventional terminal formulae about deliverance from all harm. Apart from one problem in the prologue, the prologue and epilogue present no difficulties since they have similarities with the opening and closing formulae of other legal texts.

The law itself can be divided into two parts. The first part (lines 10–16) sets out the legal offences and is governed by the particle *l-qbly+ḏ-* "concerning whoever". Altogether there are eight offences. The second part (lines 16–29) sets out the offences and the punishments. Three paragraphs (lines 16–19, 24–26) are governed by the particle *ḏ-* "whoever [does such and such]". Another three paragraphs (lines 19–24) are introduced by the

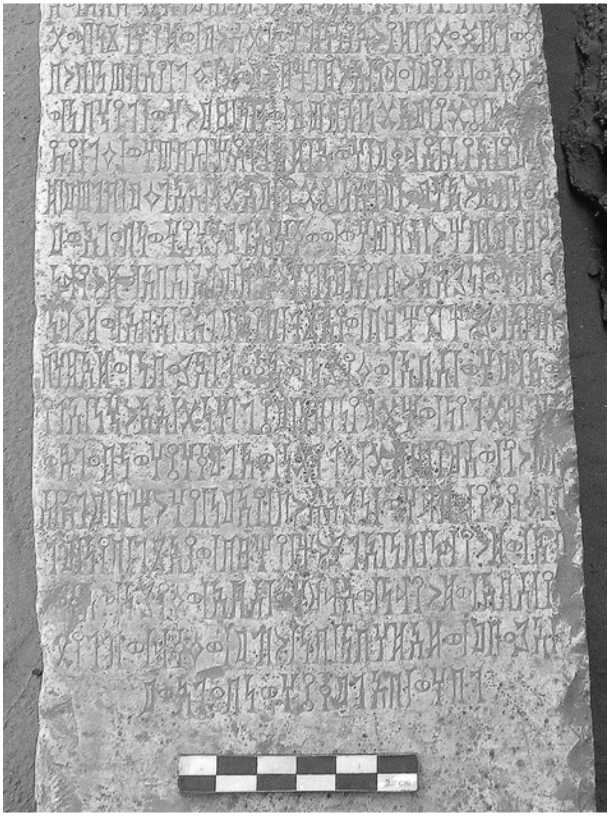


FIGURE 6. *Details of the lower part of the inscription MB 2002 I-28 (photograph by Yusuf Zoubi).*

particle *ḏ-ʾl* "whoever does not [e.g. fulfil a duty]. One paragraph (line 27–29) is introduced by the particle [*h*]*my+ḏ-ʾl* "if ... who does not ...". Altogether there are seven paragraphs.

This inscription was discovered by the American Foundation for the Study of Man in the 2002 season at Maḥram Bilqīs/Awām Temple, in area A, which is located on the west side of the Peristyle Hall. It was discovered in the debris in the passage leading to the Peristyle Hall and appears to have been standing in that specific area (Fig. 2). The decree is inscribed on a limestone block, and is virtually complete with only a few letters damaged on the right side of the inscription. Measurements: 130 x 37 cm; height of the letters 2.0–2.5 cm; in the top right hand corner the Almaqah symbol is engraved (6.0 x 4.5 cm).

Transcription

1.) *ḏt/bhw/tflw/ns^{2}ʾkrb/yʾmn/yrḥ*
2.) *b/mlk/s^{1}bʾ/wḏrydn/bn/ʾls^{2}rḥ/yḥ*
3.) *ḍb/wyʾzl/byn/mlk/s^{1}bʾ/wḏrydn/wʾdmhw’/*
4.) *[s^{1}]bʾ/wfys^{2}n/wʾqwl/ʾs^{2}ʿbn/wḏʾḏhbn/b*
5.) *[ʿ]m/ʾlmqhṯhwnbʿlʾwm/klqbly/ʾṯt/ʾ*
6.) *rḫm/ʾl/s^{1}qyhmw/qdm/brq/dṯʾ/ḏḫrf/ns^{2}*
7.) *ʾk]rb/bn/mʿdkrb/bn/fḍḫn/ṯnyn/wʿs^{1}m/q*
8.) *[l]mtm/wʾrbym/ḏkwn/bʾrḍthmw/wwk*
9.) *bw/flythmw/btḥty/ʾlmqhṯhwnbʿlʾ*
10.) *wm/klqbly/mḥrmt/ʾlʾltn/ḏys^{1}rqnn/w*
11.) *[lq]bly/ʾtldn/ḏyhgznn/bn/hgrn/mrb/wlqbl*
12.) *[y/]ḏʾl/yhwfyn/sʾl/ʾlmqh/wlqbly/ʾʿbrwn*
13.) *[w]ʾs^{1}d/s^{2}ntn/wlqbly/ḏyftḥn/s^{1}wʾn/wlqbly*
14.) *dʿtn/ws^{1}qyn/ḏyhgzn/ʿdy/ʾrḍ/ḥḍrmwt/wlq*
15.) *[b]ly/ʿs^{1}m/ʾʾrḫm/ḏkwny/blb/ʾlmqh/ġyr/ʾ*
16.) *lt/ʾʾrḫn/wwqh/ʾlmqh/kmnmw/ḏys^{1}rqn/bn/m*
17.) *[ḥ]rmt/ʾlʾltn/fʾw/bn/mqbrn/flyḍʾn/lrbh*
18.) *w/wḏyhgzn/tldm/ġyr/ʾrḍm/flyhgbʾn/hwʾ*
19.) *[ʾ]s^{1}n/wḏyhgznhw/flyḫbn/bn/s^{2}ʾmhw/wḏʾl/y*
20.) *[h]wfyn/s^{1}ʾl/ʾlmqh/flygbʾn/bʿlyhw/bṯnytm/w*
21.) *ḏʾlbtʾḫrn/wts^{2}ṭrn/bn/hgrn/mrb/wʾs^{1}rrhw*
22.) *bn/ʾʿbrwm/wḏs^{2}ntm/fl/yḍʾn/lrbhw/wḏʾl/yf*
23.) *tḥn/ṣdqn/flyʿdn/tkrm/ʿmn/ʾmlkn/ws^{1}bʾ/wʾ*
24.) *qwln/s^{3}ʿtn/ḏyrʾynn/lhw/tkrm/wḏyhgzn/dʿt*
25.) *[n]/fʾw/s^{1}qym/ʿdy/ʾrḍ/ḥḍrmwt/fl/ys^{1}bṭn/brb*
26.) *[mlk]n/ṯty/mʾtn/s^{1}bṭm/wbn/ḍmrhw/lyḫbn/w*
27.) *[h]my/ʾys^{1}/ṣdqm/hwʾ/ḏʾl/ṣḥ/s^{1}bṭhw/fl/yẓ*
28.) *lʿn/lmrʾhmw/mlkn/ṯty/mʾtn/ʾʾlfm/blṭm/ḏ*
29.) *rḍym/bḥr/s^{1}bṭhw/wwqh/ʾlmqhṯhwnbʿlʾwm*
30.) *ʿbdhw/ns^{2}ʾkrb/yʾmn/yhrḥb/mlk/s^{1}bʾ/wḏrydn*
31.) *bn/ʾls^{2}rḥ/yḥḍb/wyʾzl/byn/mlky/s^{1}bʾ/wḏrydn*
32.) *wʾdmhw/s^{1}bʾ/wfys^{2}n/wʾqwl/ʾs^{2}ʿbn/wḏʾḏhb*
33.) *n/lḥtlyn/wḥtmyn/bn/mṯl/hnt/ʾʾrḫn/ʾly*
34.) *[s^{1}]ṭry/ws^{1}my/bḏt/flytn/wʾlmqhṯhwnbʿlʾw*
35.) *m/fṣry/ʿbdhw/ns^{2}ʾkrb/yʾmn/yhrḥb/mlk/s^{1}*
36.) *bʾ/wḏrydn/bn/ʾls^{2}rḥ/yḥḍb/wyʾzl/byn/ml*
37.) *[k]y/s^{1}bʾ/wḏrydn/wʾdmhw/s^{1}bʾ/wfys^{2}n/wʾqw*
38.) *[l]/ʾs^{2}ʿbm/wḏʾḏhbn/bn/rġm/wfqd/wġlyt /*
39.) *lbhw/bʾlmqhṯhwnbʿlʾwm*

Philological comments

Lines 1–5:

ḏt "that, which". The verb *t-fl-w* is in the third person plural. In the past, it has been interpreted either from the root FLY "seek or obtain an oracle, be commanded by an oracle", which is attested in Sabaean inscriptions and has been understood in a religious sense (DOSA, 404), or from a reconstructed Sabaic root FLL meaning "implore, supplicate (*bm*) a deity, obtain a favourable oracle from" (SD, 44).[6] Further, see the substantive *flyt*, from the root FLL, "supplication", "oracular response, ordinance" (DOSA, 404), and compare the similar nominal

form, Sabaic *ḡlyt*, root ḠLL (line 38). Apparently, the verbal form *t-fl-w* is to be interpreted as representing the root FLL and not FLY.[7] This root occurs in a Sabaean inscription from the Barʾān Temple, near Mārib, in a passage which reads as follows: *kn/qwmw/w-ftll/ᶜmʾmr/kbr/qyn/brʾm/w-ʾqyn/brʾm/b-klyt-hmw* "thus they have ordained and decreed unanimously ᶜAmmʾamar, chieftain of the Administrators of Bariʾum and the Administrators of Bariʾum" (DAI Barʾān 1990–1/1f),[8] and the root is known from other Semitic languages, cf. Akkadian *palālum* "überwachen" (AHw, 813), Ugaritic *pl/pll* "to be cracked, to be parched" (Del Olmo Lete & Sanmartín 2003: 672), Hebrew *pll* "sit in judgment, arbitrate", *plylh* "legal affairs".[9] For this opening formula of our text, cf. *ḏt/bh/tflw/hwtrᶜṯt/wbnhw/bnw/ṣᶜqn/bʾwm/btḥty/ʾlmqh* "this is what Hawtarᶜaṯt has decided with his sons, the family of Ṣaᶜqān in [the temple of] Awām according to the order of Almaqah" (MB 2004 I-100),[10] and the similar opening passages in Nami 12/3 and MB 2002 I-5/1 (Abdallah, in press). However, since the root FLL is often attested in relation to legal documents, it seems that it has the meaning of "to decide, to decree, to enact". This is, however, an "oracular response", which has been carried out "on the authority of Almaqah" (*b-ᶜm/ʾlmqh*); *b-hw* "by it", i.e. the oracle that they received from Almaqah. Meanwhile, (oracle) decrees of Almaqah are usually addressed to the king and *ʾdm-hw* "his servants". *w-ḏ-ʾḏhbn* "Adhhabanites": the plural of the *nisba* for a place name or a tribe *ḏhb*.

Line 5:

bᶜm: *b-ᶜm* "on the authority of, from" (SD, 16), cf. *ᶜmn/kl/ʾlʾltm/wʾmlkm* "authorized by all the gods and kings" (CIH 609/7). The first paragraph of legal affairs starts with the phrase *k-l-qbly* + *ḏ* "that because of, concerning" and the others start only with *l-qbl*+*ḏ*"because of".[11] The reading *ʾṯt/ʾrḫm* is certain. The term *ʾṯt* is attested in Sabaic in the meaning of "woman" (SD, 7); *ʾrḫm* means "affair, matter", see line 15. However, the meaning of this phrase is not obvious. In similar texts we usually find the phrase *ʾs¹/w-ʾnṯt* "a man or a woman" (CIH 126/8), which has the sense of "everyone".

Lines 6–7:

ʾl is a plural relative pronoun "who" (Stein 2003*a*: 148), *s¹qy-hmw* "their irrigation land" (SD, 128); *qdm* means "former, previous, before" (SD, 104; Stein 2003*a*: 223); *brq/dṯʾ* "rainy season of spring". The phrase *ʾl/s¹qy-hmw/qdm/brq/dṯʾ* means "those who started their irrigation before the rainy season of spring". *ḏḫrf/ns²[ʾk]rb/bn/mᶜdkrb/bn/fḍḥn/ṯnyn* "in the year of the eponymate of Nashaʾkarib, son of Maᶜdīkarib, son of Faḍḥān, the second [eponymate] period". This eponym has been attested twice before. One inscription from Maḥram Bilqīs mentions a dedication to the God Almaqah made by Nashaʾkarib Yuʾmin Yuharḥib, King of Sabaʾ and Ḏū-Raydān (Ja 610/6–7; Robin 1994: 240, 243) and in a Sabaean text written on wood (*Monumenta scripturae sabaicae* 1/13–14, Stein 2003*b*: 268f.). However, the family name in our text is written as *fḍḥn*. This family name has been found several times before in the form *fḍḥm* (Robin 1994: 243).

Line 8:

ᶜs¹m "all", cf. *ᶜs¹m* "a number of" and *ḏ-ᶜs¹m* "in great numbers" (SD, 20). *Qlmtm*: the beginning of this line is effaced and the first letter, which should be the *lām* is damaged and only half of the second letter *mīm* is visible, although the rest of the word, *tm,* is clear. However, the reading of the word *qlmt* is quite certain. This word, which means "insect" (SD, 105), is attested in Sabaic in relation to *ʾrby* "locusts" (SD, 7), *ḏ-kwn/b-ʾrḍ-hmw* "which were in their land". Here we have the second example of the term *ʾrby* in Sabaic, the first being in Ja 610/7, which is from the same period as our inscription, namely, the time of the king Nashaʾkarib Yuʾmin Yuharḍib.[12]

Line 9:

w-wkbw, the verb *wkb* means "receive, gain, get, find, encounter" (SD, 159), *flyt-hmw* "their ordinance, [oracle] decree", see the commentary to line 1; *b-tḥty* "on the authority of" (SD, 147; Stein 2003*a*: 224f.).

Line 10:

kl-qbly/mḥrmt/ʾlʾltn/ḏ-ys¹rqnn: *mḥrmt* is the plural of *mḥrm* "temple" (SD, 70f., DOSA, 189f.), *ʾlʾlt-n* is the plural of *ʾl* (SD, 5) with the marker of determination *-n*; *ḏ-ys¹rqnn*: the particle *ḏ-* means "one who/that which, who/which" (SD, 37, Stein 2003*a*: 145f.) and here it has the meaning of "whoever", *ys¹rqnn, s¹rq* "steal, loot, rob" (SD, 128; DOSA, 346).

Lines 11–12:

The noun *-ʾtldn*, root WLD, is the plural of *tld* "original, inherited property, *serf* born in the household" (SD,

147f.). The term *tld* may be translated by Arabic *māl* "possession", cf. Arabic *tald, tālid, tilād* "inherited, time-honoured, old possession, property, long possessed property, consisting of animals etc." (*Lisān*, article *tld*; Lane, 311f.); see also Geʿez *təwledd*, *tawlədd*, *tuəldd* "race, tribe, family, species, offspring, generation, consanguinity" (Leslau 1991: 613); *tld* can be considered here as "property, possession, goods and chattel, estates". The verbal form *ḏ-yhgzn* occurs several times in our text (lines 11, 14, 18, 19, 24). The verbal form *yhgzn* is a key word for understanding some paragraphs of this law. It should be understood in the sense of "to transgress, overtake, take away, damage". It is attested in relation to property, and property can be taken away or damaged. Two possibilities for the interpretation of the verbal form *yhgzn* are available. The first is that it is a causative of the verb *ngz*, which is attested several times in the Sabaean inscriptions and means "do away with, put an end to, finish off a person, damage, destroy" (SD, 94; cf. also DOSA, 292); cf. also *ẖdʿ* "damage" (SD, 58f.). It might also be understood as "take away or plunder"; cf. Arabic *najaza* "carry out, execute, accomplish, perish, pass away, damage etc." (Lane, 2709f.).

The second possibility is to interpret the verbal form *yhgzn* from the Sabaic root GWZ "go, pass, pass through; be past (time) " (SD, 51, DOSA, 67). In another Sabaean inscription, a woman offered a dedication *lqbl/ḏgwzt/mḥrmhw/ǵyr/tḥrm* "because she had transgressed his temple while she was impure" (Ja 525/1–2). The verb *gwzt* means "she behaved unlawfully". In Arabic, the causative from the root JWZ, *ajāza*, means "traverse, cross, permit, allow, approving sanction etc." and also "pass, overstep, exceed, go too far, encroach, make inroads etc". Arabic *tajāwaza* is similar to *taʿaddā* "cross, overstep, transgress, violate etc.", cf. Arabic *taʿaddā ʿalā māl al-ǵayr* "he has taken over the possession of the other". In the legal sense it means "overstep or exceed the law". However, the first possibility here is to be preferred.

We have two roots in our text relating to theft and robbery. These are S^{1}RQ "steal, loot" and NGZ "transgress, damage". The root S^{1}RQ can relate to individuals while NGZ refers to a group, or to stealing by force or a raid, and to plundering.

The construction *ḏ-ʾl* means "who does not". The formula *l-qbly/ḏ-ʾl* is attested in Sabaic (RES 4964/13).[13] *yhwfyn*, root WFY, means in the causative verbal form "to grant, bestow, offer, gratify, save, protect, and fulfil obligations" (SD, 158, DOSA, 138). The noun *sʾl* means "claim, financial demand, request, obligation" (SD, 121, DOSA, 322). However, the phrase *sʾl/ʾlmqh* means "the religious obligations to Almaqah". These are the religious duties, which the worshippers are obliged to fulfil. Among these duties were the visits or pilgrimages to the Awām Temple, to make dedications, especially as a response to the command of the god Almaqah, usually by means of an oracle etc. This paragraph is dealing with people who do not fulfil the religious duties commanded by Almaqah, and so commit an offence or a crime. Compare the similar phrase *ʾl-s^{3}nw/ẖdg/hyʿ/whwfyn/*[*ʾl*]*mqh* "it is not allowed to neglect the service and the religious duty to Almaqah" (CIH 99/9). *w-l-qbly/ʾʿbrwn*: the word *ʾʿbrwn* is the plural of the noun *ʿbr* which means a person who "transgresses, offends or violates the law"; cf. Sabaic *ʿbr* "transgress, pass a boundary" (SD, 11), and Arabic *ʿabara* "cross, pass". The SD, p. 11 suggests the meaning "transgressor" for the judicial term *mʿbr* (Ja 669/6). The root ʿBR has a meaning similar to that of the Sabaic root ʿDW/ʿDY "move, march, go", which means in a judicial context "offend against (*bʿly*) *law*" (SD, 12). The term *ʿbr* here has the meaning of "overstep (boundary), transgress, infringe (law) etc."

Line 13:

w-ʾs^{1}d/s^{2}ntn: the masculine plural relative pronoun *ʾs^{1}d* means "those who, who" (SD, 7; DOSA, 23f.). The Sabaic root S^{2}YN means "suffer physical injury, incapacity, disfigurement" (SD, 137; DOSA, 516f.); cf. also Arabic *šayn* "disfigurement, marring, dishonouring, disgrace, shame". Arabic *šayn* may be glossed by Arabic *ǵišš* "unfaithfulness, disloyalty, fraud", cf. *ǵaššāš* "dishonesty, fraud". The sense of the phrase *w-ʾs^{1}d/s^{2}ntn* might be understood as "those who are unfaithful, disloyal, dishonest, fraudulent". *W-l-qbly/ḏ-yftḥn/s^{1}wʾn*: *yftḥn*, root FTḤ, means "make, decide, give judgment", *hftḥ* "obtain a judicial order", *ftḥ* "judicial order, lawsuit" (SD, 47; DOSA, 47); cf. the Yemeni Arabic word *fataḥa* "give judgment" (al-Selwi 1987: 168f.); cf. also Geʿez *fatḥa* "judge", etc. (Leslau 1991: 170). *S^{1}wʾn*: cf. Sabaic *s^{1}wʾ* "evil, bad, wicked, unfavourable", "divine wrath" (SD, 129). This term can be understood as "incorrectly, faithlessly, badly".

Line 14:

As an opposite to *s^{1}qym* "well-watered grounds/crops" (SD, 128), *dʿtn*, root WDʿ, means "crops grown without artificial irrigation" (SD, 155; DOSA, 84, under the root Dʿʿ). The particle *ʿdy* means "to, up to, into; until; in, at" (SD, 12); for *yhgzn* see line 11; *ʿdy/ʾrḍ/ḥḍrmwt* means literally "into the land of Ḥaḍramawt". This law is di-

rected to the people of Sabaʾ, within the Sabaean kingdom and its territories, and our text does not provide information on its political relations with Ḥaḍramawt. Since the latter was not part of the Sabaean kingdom at this period, we do not know exactly why Ḥaḍramawt is included in this law. However, this paragraph may relate to raids by Sabaean bandits against the land or fields of Ḥaḍramawt. Another possibility, which is perhaps more plausible, was that it was intended to protect merchandise or the trade route from plundering, which may have been taking place within the Sabaean territories. Bandits may have been attacking caravans and stealing crops and then fleeing with them to Ḥaḍramawt.

Line 15–16:

ʾʾrḫ is the plural of *ʾrḫ* "affair, matter" and in a juridical sense means "judicial case" (SD, 7); *kwny* is the third person feminine plural perfect (Beeston 1984: 14; Stein 2003*a*: 172f.) of the verb *kwn* "be, take place, occur" (SD, 80); *b-lb*, cf. *lb* "heart" (SD, 81); *ḡyr* means "other than, except" (SD, 55); *ʾlt* is the feminine plural relative pronoun (Beeston 1984: 41; Stein 2003*a*: 148). This indicates that there are other matters of which people should be aware, in addition to those listed above.

Lines 16–17:

The rules for punishment in the text begin with the phrase *w-wqh/ʾlmqh* "and Almaqah commanded"; the verb *wqh* means "command" (SD, 161). *K-mn-mw*: *k-* means "that" and *mn-mw* means "who, whoever, anyone who" (DOSA, 279), cf. *k-mn-mw/ḏ-ys²ʾmn/ʿbdm/f-ʾw/ʾmtm* "[such] that whoever buys a slave or a maidservant" (RES 3910/3), cf. also *k-mn-mw/ʾns¹m/ḏ-yhrgn/ḥṣnhw* "[such] that whoever kills his client" (MB 2002 I-5/2, Abdallah, in press). Two matters are mentioned here, the first one is the looting from the "temples of the gods", *mḥrmt/ʾlʾltn*, and the second the looting from the "cemetery" (*mqbr*). Among these temples and cemeteries are the Awām Temple and the Awām Cemetery. The particle *f-ʾw* means "or" (SD, 9).[14] The term *mqbr* "grave, tomb, burial place", plural *mqbrt* is well attested in the Sabaean inscriptions (SD, 103); *yḍʾn*: the common meaning of the root WḌʾ in Sabaic is "come out, go out, issue etc.", or "dedicate" cf. *tḍʾn* and *mwḍʾ* "expenses, outgoings" (SD, 156f.; DOSA, 142f.). Cf. also Geʿez *waḍʾa*, *waṣʾa* "go out, go forth" etc., *ʾawḍəʾa* "bring out, spend, cause to pay" (Leslau 1991: 605). However, the sense of the verb *wḍʾ* here is "to pay a fine, to pay the expenses, to replace". *l-rb-hw* "to his possessor, his owner", cf. Sabaic *rbb* "own, possess" (SD, 114). The punishment in this case seems to have been a monetary penalty.

Lines 18–20:

In *ḡyr/ʾrḍm*, *ḡyr* means "other than", cf. Arabic *al-ḡayr* "the others, fellow men, neighbours" and *aḡyār* "foreigners". This expression might mean "people whose land is outside the land of Sabaʾ", i.e. foreigners, protégés etc. who are living in Sabaʾ. These people are protected by this law. Cf. also Arabic *ʾarḍ al-ḡayr* "land of others, foreign land". *l-yhgbʾn*: the basic meaning for the verb *gbʾ* is "return, consent" and the causative form *hgbʾ* means "render justice, transfer, hand over a property" (SD, 48). *l-yhgbʾn/hwʾ/*[ʾ]*s¹n* "let that person be punished by bringing him to justice or to the court"; *w-ḏ-yhgzn-hw*, "and what he takes away"; cf. also line 11. Sabaic *ḫyb* means "be in arrears of debt, be lacking, fail" (SD, 64; DOSA, 200f.), cf. Arabic *ḫāba* "to fail". However, in this context, *ḫyb* seems to have the meaning "reduce, decrease, cut, take"; *bn* "from"; *s²ʾm-hw*: *s²ʾm* "commodity, buy, purchase" is the infinitive of the root S²ʾM "buy, purchase" which is well attested in Sabaic; cf. also *s²ʾmt* "purchase, merchandise" (SD, 130). The phrase *f-l-yḫbn/bn/s²ʾm-hw* can be translated as "let him be punished by deducting [the amount] from his merchandise". For *b-ṯnytm*, cf. *hṯny* "double amount of a tribute" (RES 3945/3; SD, 151), see also line 12.

Lines 21–22:

ḏ-ʾl means "that not". The verbal form *b-tʾḫrn* from the root *ʾḫr* can hardly mean anything except "the delay of payment", cf. in Arabic the intensive stem *ʾaḫḫara* "delay payment", cf. also Sabaic *hʾḫr* "delay payment" (SD, 4); *w-ts²ṭrn*, from the root S²ṬR, cf. Arabic *šaṭara* "halve, divide into two equal parts", cf. *mušāṭarah*, a kind of contract for "participation, sharing" still known in Yemen (Donaldson 2000: 166, 230). Cf. also *mušāṭarah* "common property of cows shared by a Jew and a Qabīlī tribesman" (Piamenta 1990: 256). The two terms *ʾʿbrwn* and *s²ntm* are already mentioned in the listed offences or crimes in line 12 and represent two kinds of violations of the law. However, the crime itself is not mentioned in line 12 and the two terms seem clearly to designate transgressions. In this paragraph both *ʾʿbrwm* "transgressors" and *ḏ-s²ntm* "one who practises fraud" are responsible for the violations against the law since they are designated as practising *tʾḫrn/w-ts²ṭrn*. Both should be punished. The punishment starts with *w-bn* "and from" *ʾʿbrwn* and *ḏ-s²ntm* a fine should be paid to their owners (*fl/yḍʾn/l-rb-hw*).

Lines 23–24:

f-yᶜdn: imperfect of the root *ᶜwd* "do something ultimately" and in the military sense "retire, return to a place" (SD, 22); cf. Arabic *ᶜāda* "to return, to come back, to refer, to relate, to be due". However, the sense of *ᶜwd* here is "to require, inflict, penalize, to punish". The term *tkrm* from the root NKR means "punishment, fine" and is a *tfᶜl*-form of the verb *nkr* "afflict, punish" (SD, 96). The noun *tkr* is attested in NNAG 12/19 and is given the meaning "a fine, amends for a delict" by SD, 96. It occurs several times as *tnkr* with the same meaning (Stein 2003*a*: 60). *ᶜmn/ᵓmlkn/w-s¹bᵓ* "on the authority of the kings and Sabaᵓ". The term *qwl/qyl* is well attested in Sabaic and in the Arabic tradition of pre-Islamic Yemen as "member of a leading clan in a *s²ᶜb*" (SD, 110; al-Selwi 1987: 185f.). The word *s³ᶜt-n* is the infinitive of the verb *ws³ᶜ* "decree, ordain" (SD, 163); cf. *[kn/hḥ]r/w-rys³n/w-ws³ᶜ/mr[ᵓ–hmw]* "thus has their lord ordained, decreed and enacted" (RES 4646/1). However, it seems here to have the meaning "directive" similar to Sabaic *ts³ᶜn*. *ḏ-yrᵓynn*: the verb *rᵓy* in Sabaic means "see" (SD, 112; DOSA, 473f.), but it is also attested in the meaning of "punish" in a fourteen-line Sabaean inscription, where we find: *w-ḏ-hrg-hw/w-ᵓb-hw/l-yrᵓynh/ᶜṯtr/s²rqn* "and for the one who killed him and his father, may ᶜAthtar Shāriqān punish him" (CIH 456/1–4). See also Arabic *raᵓya* "see, behold, regard, consider, judge, decide"; *lhw/tkrm* "for him a punishment". For *dᶜtn*, see the commentary to line 14.

Lines 25–26:

For the verbal form *yhgzn* see the commentary on lines 11 and 14. *f-l-ys¹bṭn*, root S¹BṬ: according to the context this construction means "let him be punished". The term *s¹bṭ* occurs several times in this paragraph with various meanings, in previously unattested contexts, and its interpretation is problematic. The meanings given to this term here have therefore had to be determined in each case by the context. The Sabaic verb *s¹bṭ* means in a military sense "beat, defeat an enemy, strike, fell, throw down" (SD, 123; DOSA, 325); cf. also *ts¹bṭ* "engage in affray", *ts¹bṭ/bᶜm/ᵓwldhmw* "and he had a fight with their children" (Ja 669/19–20); *s¹bṭ* is a kind of punishment, see *sbṭ* "stroke, blow as a punishment" (SD, 123), cf. *fl/ynkrn/ḫms¹/rḍym/fᵓw/ḫms¹y/s¹bṭm* "let him be punished by paying a fine of five pure coins or fifty strokes" (CIH 380/6); cf. also *wḏyrḥḏn/bhw/lys¹bṭn/ḫms¹y/s¹bṭm/bmqmh* "and whoever washes himself in it (i.e. the cistern), let him be punished with fifty strokes immediately" (Rob Maš 1/11). *brb* [*mlk*]*n*!: the restoration of this phrase is not certain, cf. *rbm* "a measure of capacity" in Sabaic (SD, 114). However, in line 26 the term *s¹bṭ* might be considered as a kind of punishment. The phrase *ṯty/mᵓtn/s¹bṭm/wbn/ḍmrhw/lyḫbn* "200 units and let it [the amount] be deducted from his possession", proves that *s¹bṭ* here can not be "stroke of rod", but a measure of something that can be taken, a "unit" of something that can be deducted from his possessions. The term *ḍmr* can be understood in the sense of Arabic *māl* "possession"; cf. Arabic *māl ḍimār* "property of which one hopes not for the return; absent property of which one hopes not for the return" (Lane, 1803). However, *ḍmr* is also attested in Sabaic in the meaning of "a contract for payment at an unspecified date" (SD, 41) and *ḍmrt* "unavailable possession" in an inscribed Sabaean wooden stick (Abdallah 1994: 5).

Lines 27–29:

w-[h]my "if", *ᵓys¹* "man", *ṣdqm* "claim proprietorial rights" (SD, 141), *hwᵓ*, singular masculine demonstrative pronoun "he"; the Sabaic verb *ṣḥḥ* means "be placated", and the noun *ṣḥ*, *ṣḥḥ* means "health, good order, truth, honesty" (SD, 142; DOSA, 420f.), thus *hwᵓ/ḏ-ᵓl/ṣḥ/s¹bṭhw* "he whose argument is not correct"; *fl-yẓlᶜn*: *ẓlᶜ* "be fined, pay a fine" (SD, 172); *lmrᵓhmw/mlkn* "for their lord the king", i.e. Nashaᵓkarib. The fine, which is to be paid, is described as follows: *ṯty/mᵓtn/ᵓᵓlfm/blṭm/ḏ-rḍym* "200,000 pure Balaṭ-coins". This is the largest monetary penalty ever attested in the inscriptions. It seems to be intended as a terrible deterrent. The word *bḥr* means "instead, in place", cf. *mqṭrn/bḥr/mqṭr/s¹rq* "a Maqṭar incense-burner instead of the Maqṭar incense-burner that has been stolen" (CIH 30/4). The term *s¹bṭ-hw* might be understood as "his claim".

Lines 30–39:

lḥtlyn: infinitive of the verb *ḥly*, cf. Sabaic *ḥly* "donative, donation" and *ḥlᵓ* "show contrition for sin, pay a sin-offering" (SD, 67f.), cf. Arabic *ḥly* "provide". *wḥtmyn*, from the Sabaic root ḤMY "protect", the infinitive of *ḥtmy* "safeguard" in the sense of "guard oneself against" (SD, 69); *hnt* demonstrative feminine plural, "those, that"; *mṯl* "the like of, similar". [*s¹*]*ṭry/ws¹my/bḏt/flytn*: *s¹ṭr* "write", *s¹my* "be named, be mentioned by name" (SD, 126), cf. *s¹ṭry/ws¹my/whs³nn/bᵓṯwbt* "they wrote, declared by name and effected the transaction repayments" (CIH 613/4). *rḡm* means "illwill, disfavour" (SD, 116). The term *fqd* means "be absent, be lost" (SD, 45) and *ḡly*t means "wrath, overbearingness" (SD, 53).

Translation of the text

In spite of some problems in the text, it can be translated as follows.

Prologue

1.) *ḏt/bhw/ṯflw/ns^{2}ʾkrb/yʾmn/yrḥ*
2.) *b/mlk/s^{1}bʾ/wḏrydn/bn/ʾls^{2}rḥ/yḥ*
3.) *ḍb/wyʾzl/byn/mlk/s^{1}bʾ/wḏrydn/wʾdmhw /*
4.) *[s^{1}]bʾ/wfys^{2}n/wʾqwl/ʾs^{2}ʿbn/wḏʾḏhbn/b*
5.) *[ʿ]m/ʾlmqhṯhwnbʿlʾwm/klqbly/ʾṯt/ʾ*
6.) *rḫm/ʾl/s^{1}qyhmw/qdm/brq/dṯʾ/ḏḫrf/ns^{2}*
7.) *ʾk]rb/bn/mʿdkrb/bn/fḍḥn/ṯnyn/wʿs^{1}m/q*
8.) *[l]mtm/wʾrbym/ḏkwn/bʾrḍthmw/wwk*
9.) *bw/flythmw/btḥty/ʾlmqhṯhwnbʿlʾ*
10.) *wm/*
1.) That which they have decreed: Nashaʾkarib Yuʾmin Yu(ha)rḥib
2.) king of Sabaʾ and Dhū-Raydān, son of ʾIlsharaḥ Yaḥḍub
3.) and his brother Yaʾzul Bayn, king of Sabaʾ and Dhū-Raydān and his servants
4.) Sabaʾ and Fayshān and the Qayls of the tribes and the Adhhabanites
5.) according to the order of Almaqah Thahwān, Lord of Awām concerning the affair of [a man or] a woman
6.) who started their irrigation before the rainy season of spring in the eponymate year of
7.) Nasha[ʾk]arib, son of Maʿdikarib, son of Faḍḥān, the second [eponymate] period and all
8.) insects and the locusts which were in their country, and they received their
9.) [oracle]decree from Almaqah Thahwān, Lord of Awām.

Judicial offences (lines 10–16)

§ 1 *klqbly/mḥrmt/ʾlʾltn/ḏys^{1}rqnn*
Concerning anyone, who steals from the temples of the gods.
§ 2 *w[lq]bly/ʾtldn/ḏyhgznn/bn/hgrn/mrb/*
And concerning anyone who takes away personal property from the city of Mārib.
§ 3 *wlqbl[y/]ḏʾl/yhwfyn/s^{1}ʾl//ʾlmqh*
And concerning anyone who does not perform the religious obligations of Almaqah
§ 4 *wlqbly/ʾʿbrwn wʾs^{1}d/s^{2}ntn*
And concerning the transgressors [of the law] and anyone who practises fraud
§ 5 *wlqbly/ḏyftḥn/s^{1}wʾn*
And concerning anyone who judges incorrectly
§ 7 *wlqbly dʿtn/ws^{1}qyn/ḏyhgzn/ʿdy/ʾrḍ/ḥḍrmwt*
And concerning anyone, who takes away from the artificially irrigated crops and from the naturally irrigated crops into the land of Ḥaḍramawt
§ 8 *wlq[b]ly/ʿs^{1}m/ʾʾrḫm/ḏkwny/blb/ʾlmqh/ḡyr/ʾlt/ʾʾrḫn*
And concerning all matters, which were in the heart of Almaqah, other than these [listed] matters.

Crimes and punishment (lines 16–29)

wwqh/ʾlmqh
And Almaqah ordered:
§ 1 *kmnmw/ḏys^{1}rqn/bn/m[ḥ]rmt/ʾlʾltn/fʾw/bn/mqbrn/flyḍʾn/lrbhw*
Anyone who steals from the temples of the gods or from the cemetery, let him be punished by paying a fine to their owner
§ 2 *wḏyhgzn/tldm/ḡyr/ʾrḍm/flyhgbʾn/hwʾ [ʾ]s^{1}n/wḏyhgznhw/fl/yḫbn/bn/s^{2}ʾmhw*
And anyone who takes away from the personal property of people of the other land [i.e. foreigners], let him be punished by bringing him to justice and [for] what he takes away let him be punished by deducting [the amount] from his merchandise
§ 3 *wḏʾl/yhwfyn/s^{1}ʾl/ʾlmqh/flygbʾn/bʿlyhw/bṯnytm*
And anyone who does not fulfil the obligations of Almaqah, let him be punished by making it double for him
§ 4 *wḏʾlbtʾḫrn/wts^{2}ṭrn/bn/hgrn/mrb/wʾs^{1}rrhw bn/ʾʿbrwm /wḏs^{2}ntm/fl/yḍʾn/lrbhw*
And anyone who does not pay either the due payment or the due share of crops from the city of Mārib and its wadis: let these transgressors and anyone who practises fraud be punished by paying a fine to their owner
§5 *wḏʾl/yftḥn/ṣdqn/fyʿdn/tkrm/ʿmn/ʾmlkn/ws^{1}bʾ/wʾqwln/s^{3}ʿtn/ḏyrʾynn/lhw/tkrm*
And anyone who does not judge rightly, let him be punished with a fine by the kings and Sabaʾ and the Qayls. A directive according to what [kind] of penalty they may have decided for him
§6 *wḏyhgzn/dʿt[n]/fʾw/s^{1}qym/ʿdy/ʾrḍ/ḥḍrmwt/fl/ys^{1}bṭn/brb[/mlk]n/ṯty/mʾtn/s^{1}bṭm/wbn/ḍmrhw/lyḫbn*
And anyone who takes away from the naturally irrigated crops and from artificially irrigated crops into the land of Ḥaḍramawt, let him be punished by paying with the [royal?] Rub-measurement of 200 units; let it [the amount] be deducted from his possession
§7 *w[h]my/ʾys^{1}/ṣdqm/hwʾ/ḏʾl/ṣḥ/s^{1}bṭhw/fl/yẓlʿn/lmrʾhmw/mlkn/ṯty/mʾtn/ʾʾlfm/blṭm/ḏrḍym/bḥr/s^{1}bṭhw*
If a man lays claim to proprietorial rights, where his argument is not correct; let him be punished by paying a fine of 200,000 pure Balaṭ-coins to his Lord the king instead of his claim.

Epilogue

29.) ... *wwqh/ʾlmqhṯhwnbᶜlʾwm*
30.) *ᶜbdhw/ns^{2}ʾkrb/yʾmn/yhrḥb/mlk/s^{1}bʾ/wḏydn*
31.) *bn/ʾls^{2}rḥ/yḥḍb/wyʾzl/byn/mlky/s^{1}bʾ/wḏrydn*
32.) *wʾdmhw/s^{1}bʾ/wfys^{2}n/wʾqwl/ʾs^{2}ᶜbn/wḏʾḏhb*
33.) *n/lḥtlyn/wḥtmyn/bn/mṯl/hnt/ʾʾrẖn/ʾly*
34.) *[s^{1}]ṭry/ws^{1}my/bḏt/flytn/wʾlmqhṯhwnbᶜlʾw*
35.) *m/fṣry/ᶜbdhw/ns^{2}ʾkrb/yʾmn/yhrḥb/mlk/s^{1}*
36.) *bʾ/wḏrydn/bn/ʾls^{2}rḥ/yḥḍb/wyʾzl/byn/ml*
37.) *[k]y/s^{1}bʾ/wḏrydn/wʾdmhw/s^{1}bʾ/wfys^{2}n/wʾqw*
38.) *[l]/ʾs^{2}ᶜbn/wḏʾḏhbn/bn/rḡm/wfqd/wḡlyt/*
39.) *lbhw/bʾlmqhṯhwnbᶜʾwm*
29.) and Almaqah Thahwān, Lord of Awām has ordered to His
30.) servant Nashaʾkarib Yuhaʾmin Yuharḥib, King of Sabaʾ and
31.) Dhū-Raydān, son of ʾIlsharaḥ Yaḥḍub and his brother Yaʾzul Bayn, both kings of Sabaʾ and
32.) Dhū-Raydān and his servants Sabaʾ and Fayshān and the Qayls of the tribes and the people of the wadis
33.) to provide themselves and protect themselves against such judicial cases (i.e. crimes), which
34.) they have written, mentioned by name in this decree. And may Almaqah Thahwān, Lord of Awām
35.) protect his servant Nashaʾkarib Yuʾmin Yuharḥib, king of Sabaʾ and
36.) Dhū-Raydān, son of ʾIls^{2}araḥ Yaḥḍub and his brother Yaʾzul Bayn, both kings
37.) of Sabaʾ and Dhū-Raydān and his servants Sabaʾ and Fays^{2}ān and the Qayls
38.). of the tribes and the Adhhabanites against disfavour, loss and
39.) the wrath of His heart. By Almaqah Thahwān, Lord of Awām.

The historical and judicial importance of this law

This is the longest Sabaean law so far discovered and it needs to be studied not only within its cultural environment but also within the context of the ancient Near Eastern tradition.[15] From the linguistic point of view, it contributes a number of previously unattested terms and grammatical constructions and, from a historical standpoint, it adds considerably to our knowledge of legislation in Sabaʾ. It deals with a wide range of offences, from theft to transgressions of the religious duties owed to Almaqah, and lists the punishments. It is interesting that the latter are primarily monetary penalties or the replacement of stolen property.

It was decreed by Almaqah, the national god of Sabaʾ and the Lord of Awām,[16] to the king and his servants; and the king, Nashaʾkarib Yu(ha)ʾmin Yuharḥib II, appears here as an enactor of the law.[17] The inscribed pillar with this text was set up in the Awām Temple, showing that it was not only a place of petition, but also a place for promulgating public laws. The fact that it was set up in the state temple of Sabaʾ, means that this law was directed at the people of the kingdom of Sabaʾ as a whole, and was not of purely local significance.

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Notes

1 A team of AFSM epigraphists including Professor Yusuf Abdallah, Muṭahhar Iryanī, and myself is currently preparing a publication of these inscriptions.

2 Al-Naᶜīm (2000: 410ff.) considers 128 inscriptions to be legal documents while Nebes (2003: 295) considers there to be 140; on the Sabaic legal system, see Korotayev 1996: 114–120.

3 Little is known about penal laws in Sabaean inscriptions, but a good example is CIH 126, see Beeston 1951: 305–315, and Ra 42 in Höfner 1966: 21–26.

4 Such confession inscriptions have been discovered at Maḥram Bilqīs before, e.g. Ja 576, 712, 720, etc. On confession texts, see Ryckmans 1972: 1–15; Sima 1998: 127–139; and Kropp 2002: 203–208.

5 Such legal texts were discovered at Maḥram Bilqīs during the AFSM excavations in the 1950s.

6 The meaning and form of this root are still not certain. The SD, 44 marks it as root unattested in its full

form; see also the discussion by Stein 2003*a*: 196.

7 The verbal form *t-fl-w* is also attested in a military context in the meaning of "flee in disorder" (SD 44). Cf. also Ugaritic *ply* "to distinguish, to adorn" (Del Olmo Lete & Sanmartín 2003: 673).

8 See also Stein 2003*a*: 196.

9 This root has been discussed in detail by Gerstenberger, 1989: 606–618; see also Leslau 1991: 158f.

10 This twenty-line legal text was discovered by the AFSM in 2004, reused in the pavement of the Peristyle Hall.

11 On the *qbly*, *lqbly*, *lqbly* + *ḏ*- , see Bron 1985: 133–136, Stein 2003*a*: 222f.

12 On the attestation of *qlmt* and *ʾrby* in South Arabian inscriptions, see Sima 2000: 129–131 and 23–25 respectively.

13 On the particle *ḏ* + *ʾl*, see Ryckmans 1954: 339–348.

14 The particle *f* is attested several times in this text. On the function of this particle in Sabaic, see Nebes 1995.

15 In the two volumes of Westbrook & Beckman 2003 on the history of ancient Near Eastern law, there is no mention of South Arabia.

16 There are several laws decreed by Almaqah, cf. CIH 400, Ga 66, Schm/Mārib 24, Robin Rayda 2, DAI Ṣirwāḥ 2002–11 (see Nebes 2003: 304), Ghul Mārib 1, Gl 1361, RES 4776, YM 547.

17 Three royal decrees of this king are known: Fa 3, 76, and CIH 69.

Sigla

AHw	Soden 1965–1981.
CIH	*Corpus inscriptionum semiticarum*. Pars iv. Paris: Imprimerie nationale, 1889–1932.
DAI	Deutsches Archäologisches Institut.
DAI Barʾān 1990-1	Nebes 2003: 307.
DAI Ṣirwāḥ 2002–11	Nebes 2003: 304.
DSOA	Biella 1982.
Fa 3,76	Fakhry 1952.
Ga 66	Garbini 1973.
Ghul Mārib 1	Bron 1992.
Gl 1361	Glaser, Solá Solé 1964.
I	Inscription.
Ja	Jamme 1962.
Lane	Lane 1865–1893.
Lisān	Ibn Manẓūr 1975.
MB	Registration siglum of inscriptions discovered by the AFSM excavations at Maḥram Bilqīs.
NNAG 12	Nāmī, Nuqūš ʿarabīyah ğanūbīayh, Nāmī 1960
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